IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 11TH SEPTEMBER 2007 / 20TH BHADRA 1929

RPFC.No. 57 of 2002()

MC.280/2000 of FAMILY COURT, MANJERI
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REVISION PETITIONER/RESPONDENT IN M.C.

PERINGODI AYYAPPANKUTTY,
S/O. PARANGODAN, PERINGODI HOUSE,
KARUVARAKKUNDU AMSOM, PERAMB DESOM,
KARUVARAKKUNDU P.O.

BY ADV. SRI.K.RAMACHANDRAN
SRI.P.RAMACHANDRAN
SMT.P.K.BEENA

RESPONDENTS: PETITIONERS IN M.C.
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1. P. INDIRA, AGED 31 YEARS,
D/O. AYYAPPAN, PANDARAPPARAMBIL HOUSE,
P.O. VAROD, OTTAPPALAM, PALAKKAD DISTRICT.

2. ANOOP, AGED 11 YEARS, S/O. AYYAPPANKUTTY
RESIDING AT DO. DO.

3. ANILA, AGED 9 YEARS,
D/O. AYYAPPANKUTTY, RESIDING AT DO. DO.
RESPONDENTS 2 TO 3 REPRESENTED BY
THEIR MOTHER AND GUARDIAN FIRST RESPONDENT
P. INDIRA.

BY ADV. SRI.D.KRISHNA PRASAD
SRI.D.NARENDRANATH

THIS REV.PETITION(FAMILY COURT) HAVING BEEN FINALLY HEARD ON 11/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J.

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R.P(F.C).No.57 of 2002-A

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Dated this the 11th day of September, 2007

O R D E R

The revision petitioner is the respondent in M.C.No.280/2000, the proceedings initiated under Section 125 Cr.P.C. The respondents (petitioners in the M.C) are wife and two minor children. The first petitioner had alleged that the respondent husband was working abroad and subsequently returned and thereafter started ill-treating her and deserted her in March 1999. It was alleged that he was having an income of Rs.25,000/- per month. Maintenance at the rate of Rs.500/- was sought for. The respondent has denied the allegations. According to him the entire savings were taken away by his wife and abandoned him. According to him he is not having any employment. It is also alleged that the first petitioner is working in a textile shop and she is earning Rs.3000/- per month. Further he is suffering from various ailments and he is unable to do any work, it is stated.

2. The evidence adduced in the matter consisted of the testimony of PW1 and RW.1.

3. The court below after considering the matter directed the revision petitioner/respondent to pay maintenance at the rate of Rs.350/- to the first petitioner and Rs.300/- each to the second and third petitioners.

4. The counsel for the revision petitioner has produced before this Court a number of documents in support of his contention that he is suffering from serious ailments. The revision petitioner has sought for getting the matter reconsidered.

In the circumstances, it is ordered that the court below shall reconsider the matter after permitting the parties to adduce further evidence, if they so desire and on condition that the revision petitioner/respondent remits the entire arrears of maintenance due till date within two months from today before the court below. The amount deposited is permitted to be withdrawn by the first petitioner in the M.C. The matter will stand posted before the court below on 03/10/2007.

The R.P.(F.C.) is disposed of as above.

K.R.UDAYABHANU,
Judge

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K.R.UDAYABHANU, J.

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R.P(F.C).No.57 of 2002-A

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O R D E R

11th September, 2007